

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VINGAL CARTER,

Plaintiff,

ORDER

No. 25-CV-01631 (LDH) (JRC)

-v-

NEW YORK CITY POLICE DEPT. 63RD
PRECINCT, JOHN DOE 1, JOHN DOE 2,

Defendants.
-----X

JAMES R. CHO, United States Magistrate Judge.

On March 21, 2025, plaintiff Vingal Carter filed this *pro se* action under 42 U.S.C. § 1983, alleging that on July 10, 2024, John Doe Officers from the 63rd Police Precinct in Brooklyn, New York, falsely arrested him in front of his home at 525 Rockaway Parkway, Brooklyn, and allegedly used excessive force against him.

Plaintiff's request to proceed *in forma pauperis* ("IFP") pursuant to 28 U.S.C. § 1915 is granted. *See* Dkt. 5. The United States Marshals Service will serve the summons, complaint, and this Order on the John Doe defendants once they are properly identified, without prepayment of fees.¹

Accordingly, it is hereby,

ORDERED that in accordance with *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997) (per curiam), the Court hereby requests the Corporation Counsel of the City of New York to ascertain

¹ Section 396 of the New York City Charter provides that "[a]ll actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the City of New York and not in that of any agency, except where otherwise provided by law." N.Y. City Charter § 396. This provision has been construed to mean New York City departments and agencies, such as the Police Department are not suable entities. *Jenkins v. City of New York*, 478 F.3d 76, 93 n.19 (2d Cir. 2007); *Adams v. City of New York*, No. 21-CV-3956, 2023 WL 2734611, at *7 (E.D.N.Y. Mar. 31, 2023) (police precinct is not a suable entity).

the full names of the two John Doe Officers who arrested plaintiff on July 10, 2024, and allegedly used excessive force in effectuating his arrest. The Corporation Counsel of the City of New York is to provide the full names of the John Doe Officers and also provide the addresses where these individuals can currently be served; the government need not undertake to defend or indemnify these individuals at this juncture, and it is further;

ORDERED that the Corporation Counsel of the City of New York is hereby requested to produce the information specified above regarding the identity of the defendants and the addresses where they can be served to the Court within forty-five (45) days from the date of this Order; once they have been identified, plaintiff's complaint shall be deemed amended to reflect the full names of these individuals as defendants, a summons shall issue for each defendant and the Court shall direct service on these defendants, and it is further;

ORDERED that a copy of this Order and the complaint shall be mailed to the Corporation Counsel, Special Federal Litigation Division.

SO ORDERED

Dated: Brooklyn, New York
June 16, 2025

s/ James R. Cho
James R. Cho
United States Magistrate Judge